IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 26423 of 2007(U)

PETITIONER:

JACOB THOMAS @ SABU PASTER,
AGED 43 YEARS, S/O THOMAS, VENGANOR HOUSE,
VAZHOOR, KOTTAYAM.

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.A.ANITHA

RESPONDENT:

THE ASSISTANT EXCISE COMMISSIONER,
O/O ASSISTANT EXCISE COMMISSIONER,
PALAKKAD.

BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 26423 OF 2007 U

Dated this the 11th September, 2007

JUDGMENT

Petitioner challenges Ext.P3. By the same, petitioner was called upon to remit Rs.1,40,000/= as a condition for release of the vehicle belonging to the petitioner. The vehicle of the petitioner was seized in connection with a Crime registered under the Abkari Act. According to petitioner, he used to park the vehicle in front of Shri Chezhan at Kollamkadavu Adivasi Ooru. It is his case that he was not even at the station at the relevant time. Petitioner filed a representation for release of the vehicle which was considered and an order was passed as Ext.P3.

2. I heard the learned counsel for the petitioner and the learned Government Pleader. Learned counsel for petitioner submits that the vehicle may be released on furnishing security. After having heard the counsel appearing for the parties, the Writ Petition is disposed of modifying Ext.P3 and directing that

in place of the direction to deposit Rs.1,40,000/=, petitioner need furnish Bank Guarantee in the said sum to the satisfaction of the respondent.

The Writ Petition is allowed as above.

K. M. JOSEPH, JUDGE

kbk.